

REMARKS

The applicants appreciate the acknowledgement of the claim for priority under section 119 and the notice that the certified copy of the priority document has been received.

The applicants acknowledge receipt of the initialed copy of the form PTO-1449 that was filed on 25 March 2004.

Claims 1-12 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The applicants appreciate the indication in the office action that claim 8 would be allowable if rewritten in independent form.

Claims 1-7 and 10-12 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,088,155, Smithers ("Smithers"). Claim 9 was rejected under 35 USC 103(a) as being unpatentable over Smithers.

Independent claim 1 is amended. Support for the amendment is located in the specification as filed, for example, FIG. 3, and page 12, lines 1-6, 24-27. Insofar as the rejection can be applied to the claims as amended, the applicants respectfully request that this rejection be withdrawn for reasons including the following which are provided by way of example.

Claim 1 is directed to a wiper blade for a wiper system. The wiper blade includes an elongated blade rubber, at least one backing plate connected to the blade rubber, at least one holding lever that holds the blade rubber and the at least one backing plate, and a cover member that receives the at least one holding lever and the at least one backing plate. Claim 1 recites in combination, for example, that the "cover member that includes a front surface wall and a rear surface wall, which are connected to each other to form a cap-shaped elongated body ...

wherein: the cap-shaped elongated body has a base end opening at a base end thereof, the at least one holding lever and the at least one backing plate arranged within the base end opening.”

Thereby, the cap-shaped elongated body of the cover member has the at least one holding lever and the at least one backing plate arranged within in the base end opening.

Without conceding that Smithers discloses any feature of the present invention, Smithers is directed to a windscreen wiper. The office action asserts that Smithers discloses the invention as claimed. To the contrary, Smithers fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. Smithers fails to teach or suggest, for example, “the at least one holding lever and the at least one backing plate arranged within the base end opening.” (See, e.g., claim 1.) To the contrary, in Smithers, none of the holding levers (2, 4, 6) is arranged within a base opening of the cover member 10.

Smithers fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over Smithers.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Smithers clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, the applicants respectfully submit that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

New claims 13-14 have been added to further define the invention, and are believed to be patentable for reasons including these set out above. Support for the new claims is located in the specification as filed, for example, FIGs. 1-3 and page 8, lines 18-24; and FIGs. 3-7 and page 7,

line 9 to page 8, line 1, respectively. The following reasons are provided by way of example regarding the patentability of new claims 13-14.

Claim 13 recites in combination that “the cover member is made as a single member and has a single top opening, through which the at least one holding lever is connected to a corresponding wiper arm of the wiper system.” Claim 13 further recites that “the single top opening of the cover member is positioned at a longitudinal center of the cover member on a top side of the cover member that is opposite from the base end opening of the cover member.” In Smithers, FIG. 1, to the contrary, the cover member (10) has four top openings. Furthermore, in Smithers, none of the four top openings of the cover member (10) is located in the longitudinal center of the cover member (10). For these additional reasons, it is respectfully submitted that new claim 13 is patentable over Smithers.

New claim 14 recites that “the top ridge of the cover member is displaced from a transverse center of the cover member on a rear side of the cover member in a transverse direction of the cover member that is perpendicular to the longitudinal direction of the cover member, the rear side of the cover member being located at the rear surface wall.” In Smithers, FIG. 2, to the contrary, the top ridge of the cover member (10) is located at the transverse center of the cover member. Thus, for these additional reasons, new claim 14 is patentable over Smithers.

A Supplemental Information Disclosure Statement is submitted herewith, listing EP0791514 directed to a windscreen wiper. The cover (12) has a main longitudinal section (58) and an end longitudinal section (50). Unlike the cover member of claim 1, which is “made of a flexible material,” the resin cover member (12) is a hard cover member made of a hard resin material. Thus, unlike the cover member recited in claim 1, the hard cover member (12) is not

flexibly deformable in response to flexing movement of the at least one holding lever and of the at least one backing plate arranged within the base end opening of the cover member, when the wiper blade wipes the wiping surface.

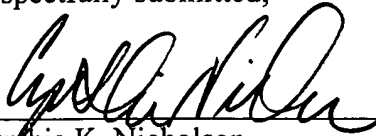
The applicants respectfully submit that, as described above, the art of record does not show or suggest the combination of features recited in the claims. The applicants do not concede that the art of record shows any of the elements recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the art of record.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over references as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the art of record.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,


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